

**INTERGOVERNMENTAL COOPERATION COUNCIL OF MILWAUKEE COUNTY**

*c/o Mayor Stephen Scaffidi, City of Oak Creek, 8640 S. Howell Avenue, Oak Creek, WI 53154*

**Executive Council of the MMSD  
Monday, October 13, 2014; 1 p.m.  
Village of Brown Deer  
Lois and Tom Dolan Community Center  
4355 West Bradley Road  
Brown Deer, WI**

*The ICC Meeting may start after the conclusion of this meeting,  
if the members are present and a quorum is in place for the ICC Meeting.*

**AGENDA**

- I. Welcome to Brown Deer**
- II. Approval of the September 2014 minutes**
- III. Report of the Commissioners**
- IV. Report from the Executive Director Kevin Shafer**
- V. Schedule Future Meetings**
- VI. Adjournment**

*Directions: at the end of this packet*

Bayside-Brown Deer-County of Milwaukee-Cudahy-Fox Point-Franklin-Glendale-Greendale  
Greenfield-Hales Corners-Milwaukee-Oak Creek-River Hills-St. Francis-Shorewood  
South Milwaukee-Wauwatosa-West Allis-West Milwaukee-Whitefish Bay

# **INTERGOVERNMENTAL COOPERATION COUNCIL OF MILWAUKEE COUNTY**

*c/o Mayor Tom Taylor, City of Franklin, 9229 W. Loomis Road, Franklin, WI 53132*

## **Executive Council of the MMSD Meeting Minutes**

**Monday, September 8, 2014; 1 p.m.**

Village of Bayside

Schlitz Audubon Nature Center (main auditorium)

1111 E. Brown Deer Road

Bayside, WI

### **Members Present:**

Sam Dickman, Village of Bayside  
Carl Krueger, Village of Brown Deer  
John Hohenfeldt, City of Cudahy  
Michael West, Village of Fox Point  
JoAnn Shaw, City of Glendale  
John Hermes, Village of Greendale  
Michael Neitzke, City of Greenfield  
Robert Ruesch, Village of Hales Corners  
Chris Abele, Milwaukee County  
Stephen Scaffidi, City of Oak Creek  
Bob Brunner, Village of River Hills  
Guy Johnson, Village of Shorewood  
Kathy Ehley, City of Wauwatosa  
Dan Devine, City of West Allis  
Ron Hayward, Village of West Milwaukee

### **Guests Present:** (per sign-in sheet)

Andy Pederson, Village of Bayside  
Don Tyler, Milwaukee County  
Laurie Panella, Milwaukee County  
David Baraniak, Corix Utilities  
Cheryl Berdan, State of Wisconsin  
Todd Michaels, Village of Greendale  
Tim Saidler, Greendale Fire Department  
Richard Wanta, WI Underground Contractors Assn.  
David DeAngelis, Village of Elm Grove  
Kim Egan, Village of West Milwaukee  
Bob Henken, Public Policy Forum  
Julie Esch, Milwaukee County  
Kevin Shafer, MMSD

Mayor Scaffidi called the Executive Council of the MMSD meeting to order at 1:00 p.m. A quorum was present.

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# **INTERGOVERNMENTAL COOPERATION COUNCIL OF MILWAUKEE COUNTY**

*c/o Mayor Tom Taylor, City of Franklin, 9229 W. Loomis Road, Franklin, WI 53132*

## **I. Welcome to Bayside**

President Dickman welcomed the members to Bayside and to the Schlitz Audubon Center.

## **II. Approval of the August 11, 2014 Minutes**

It was moved by Mayor Hohenfeldt, seconded by President West, to approve the minutes. The motion carried unanimously.

## **III. Report of the Commissioners**

President West said the Operations Committee met today and discussed the following:

- Review of the 2013 Wisconsin Department of Natural Resources Compliance Maintenance Annual Reports for the Jones Island and South Shore Water Reclamation Facilities
- Award of Contract, Water Reclamation Facilities Building Roofs Replacement Project – Phase 2 Design
- Award of Contract, Jones Island Field Operations Building Addition, and Approve Changes in Total Project Costs
- Authorize the Executive Director to Execute a Purchase Order for Material Capital Repair or Replacement No. 740, Jones Island Water Reclamation Facility Heating, Ventilations, and Air Conditioning Replacement
- Award of Contract, Southeastern Wisconsin Regional Planning Commission Technical Support of 2050 Facilities Planning Project
- Approval of Funding Agreement, 2014 City of Franklin Private Property Inflow and Infiltration Reduction Project

The Policy, Finance & Personnel Committee met today and discussed the following:

- Award of Contract for Audit of Codes and Ordinances to Identify Barriers to Green Infrastructure
- Authorization to Execute a Memorandum of Understanding with the Fund for Lake Michigan to Commit Green Infrastructure Implementation Funding, Fresh Coast Green Solutions Project
- Insurance Coverage Renewal for General Operations
- Transferring Additional Money to the Debt Service Fund  
(Requires a 2/3 affirmative vote of the Commission for adoption)

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## **INTERGOVERNMENTAL COOPERATION COUNCIL OF MILWAUKEE COUNTY**

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- Initial Resolution Authorizing the Sale and Issuance of Not to Exceed \$100,000,000 General Obligation Bonds and/or General Obligation Promissory Notes, and Certain Related Details  
(Requires a 2/3 affirmative vote of the Commission for adoption)

All were referred to the Commission for approval.

President West said the budget was also discussed. Key points are a 2.65% levy increase and a 3.25% increase in the total user charge billings (not rates). Two public hearings are set for 6PM on September 22nd and 8:30 AM on October 27<sup>th</sup>, both held in the Commission meeting room.

#### **IV. Report from the Executive Director Kevin Shafer**

Mr. Shafer said MMSD's budget is online. A 2.65% increase is proposed for the capital budget and 3.25% for operations and maintenance.

The Regional Conservation Partnership Program is a new addition to the budget. That is an extension of what is done with the Green Seams Program. He spoke about the 2014 Farm bill, which was passed by Congress in February. Within the farm bill municipalities are allowed to leverage funding with agricultural interest to try to address non-point agricultural runoffs from agricultural fields. An original proposal was submitted the end of July, and the next phase is due October 1<sup>st</sup>. If MMSD is selected, they will work with farmers to put agricultural easements on their practices so they would manage their work better to reduce storm water runoff.

He distributed a document that MMSD looks at yearly to see if they track close to the CPI for both the capital and operation and maintenance budgets. 3.25% is the increase they are asking for operations and maintenance, while the actual expenses of the district went up 1.6% due to some carryovers from previous years being less than what they had in the past.

Mr. Shafer spoke about the Journal Sentinel article of September 6<sup>th</sup> about the WE Energies rate case in front of the Public Service Commission. WE Energies wants state regulators to let them charge customers who generate their own renewable energy a new fee and also to pay those customers less for their power than it does now. MMSD purchases back-up power from them. He spoke about a 40% rate increase for the main charge, and an overall user charge rate increase of 20%.

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This means an increase of about \$1 million to \$1.5 million, depending on how hard it rains, to run the pumps. He is also concerned about the impact this will have on economic development in the region.

### **V. Schedule Future Meetings**

Mayor Scaffidi said the next meeting is scheduled for October 13<sup>th</sup> in Brown Deer.

### **VI. Adjournment**

It was moved by President West, seconded by Mayor Devine, to adjourn the Executive Council of the MMSD meeting of September 8, 2014 at 1:18 p.m. The motion carried unanimously.

*Respectfully submitted by Mayor Neitzke.*

# **INTERGOVERNMENTAL COOPERATION COUNCIL OF MILWAUKEE COUNTY**

*c/o Mayor Stephen Scaffidi, City of Oak Creek, 8640 S. Howell Avenue, Oak Creek, WI 53154*

**Monday, October 13, 2014**

**1:20 p.m. or directly after the Executive Council of the MMSD**

Village of Brown Deer  
Lois and Tom Dolan Community Center  
4355 West Bradley Road  
Brown Deer, WI

## **AGENDA**

- I. Welcome to Brown Deer**
- II. Approval of the September 2014 minutes**
- III. Updates from a Legislator and a Milwaukee County Supervisor**
- IV. Consideration of adoption of resolution by the Intergovernmental Cooperation Council for Milwaukee County urging the Wisconsin Public Service Commission to reject WE ENERGIE'S proposed stand-by power tariff (Cp-4), which will result in an increase of \$1 million or more in additional charges per year to be paid by MMSD users (President West)**
- V. Discussion and decision regarding the scanning of all ICC documents, agendas, etc. (Mayor Scaffidi)**
- VI. Review the contracts of shared services between Milwaukee County and the municipalities (recurring item)**
- VII. Updates from the members of the ICC regarding subjects listed below:**
  - 1. MADACC (President Hayward)
  - 2. MCFLS
  - 3. EMS (President Brunner, Mayor Hohenfeldt)
  - 4. Lakefront Development Commission (President Krueger, Mayor Scaffidi)
  - 5. Community Development Block Grant (CDBG)
  - 6. MCAMLIS
  - 7. Legislative
  - 8. Roundtable Discussion
- VIII. Items for Future Meetings**

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**IX. Schedule Future Meeting**

**X. Adjournment**

*Directions: at the end of this packet*

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# **INTERGOVERNMENTAL COOPERATION COUNCIL OF MILWAUKEE COUNTY**

*c/o Mayor Stephen Scaffidi, City of Oak Creek, 8640 S. Howell Avenue, Oak Creek, WI 53154*

## **ICC Meeting Minutes Monday, September 8, 2014**

Village of Bayside  
Schlitz Audubon Nature Center (main auditorium)  
1111 E. Brown Deer Road  
Bayside, WI

### **Members Present:**

Sam Dickman, Village of Bayside  
Carl Krueger, Village of Brown Deer  
John Hohenfeldt, City of Cudahy  
Michael West, Village of Fox Point  
Mark Luberd, City of Franklin  
JoAnn Shaw, City of Glendale  
John Hermes, Village of Greendale  
Michael Neitzke, City of Greenfield  
Robert Ruesch, Village of Hales Corners  
Jennifer Gonda, City of Milwaukee  
Chris Abele, Milwaukee County  
Stephen Scaffidi, City of Oak Creek  
Bob Brunner, Village of River Hills  
Guy Johnson, Village of Shorewood  
Erik Brooks, City of South Milwaukee  
Kathy Ehley, City of Wauwatosa  
Dan Devine, City of West Allis  
Ron Hayward, Village of West Milwaukee  
Julie Siegel, Village of Whitefish Bay

### **Guests Present:** (per sign-in sheet)

Tami Mayzik, City of South Milwaukee  
Kevin Shafer, MMSD  
Andy Pederson, Village of Bayside  
Don Tyler, Milwaukee County  
Laurie Panella, Interim Chief Information Officer, Milwaukee County  
David Baraniak, Corix Utilities  
Jerry Deschane, League of WI Municipalities  
Adam Remington, Franklin Fire Department  
Jay Scharfenberg, West Allis Fire Department  
Rich Foscatto, Milwaukee County  
Hugh Morris, Milwaukee County

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Robert Whitaker, North Shore Fire/Rescue  
Rob Ugaste, Wauwatosa Fire Department  
Cheryl Berdan, State of Wisconsin  
Melissa Bohse, Village of Fox Point  
Eric Cera, Hales Corners Police Department  
Ann Wellens, South Milwaukee Police Department  
Rep. Ken Skowronski, 82<sup>nd</sup> District  
Tim Saidler, Greendale Fire Department  
Todd Michaels, Village of Greendale  
Richard Wanta, WI Underground Contractors Assn.  
David DeAngelis, Village of Elm Grove  
Kim Egan, Village of West Milwaukee  
Ben Arnold, Candidate  
John Edwards, Oak Creek Police Department

Mayor Scaffidi called the Intergovernmental Cooperation Council of Milwaukee County (ICC) meeting to order at 1:20 p.m. A quorum was present.

### **I. Welcome to Bayside**

Mr. Tom Finley, Director of Education, welcomed the members to the Schlitz Audubon Nature Center. He provided family guest passes to those in attendance. This is a non-profit nature center that has been in operation since 1971. They offer school field trip programs, family events, and an in-house pre-school. About 175,000 people visit the nature center each year. The nature center comprises 175 acres. He invited members to take a tour after the meeting.

### **II. Approval of the August 11, 2014 minutes**

It was moved by President Dickman, seconded by President Krueger, to approve the minutes. The motion carried unanimously.

### **III. Updates from a Legislator and a Milwaukee County Supervisor**

Mayor Scaffidi said he is pleased to have State Senator Roberta Darling and Supervisor Jason Haas here today.

Senator Darling represents the 8<sup>th</sup> Senate District, which comprises Fox Point, Glendale, Bayside, Brown Deer and River Hills. She was elected to the State Assembly in 1990 and moved to the Senate in 1992. She co-chairs the Joint Committee on Finance. While Act 10 was extremely controversial, the whole

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goal of Act 10 was to free up local elected officials to be able to make decisions in the best interest of their communities using tax dollars. As a reformer, her focus has been to help you structure your governments. She looks forward to an ongoing dialogue between now and the next state budget about what needs to be changed. She and Rep. Sanfelippo took on the composition of the Milwaukee County Board by referendum, which overwhelmingly passed. She understands a lot of rules and regulations related to the County have not been changed for decades. If she can help bring your governments, or a collective group of ICC members, up to speed and to change state law to do so, please contact her. Much progress can be made on Wisconsin's quality of life, the business community, and other ways that we deal with community services if we can free ourselves from old ways of doing things and look at innovation, cost savings and partnerships. Senator Darling was part of the North Shore fire consolidation. That was a great effort to see what municipalities can do together to make a difference. Her main objective is to work on this kind of reform.

Senator Darling is also interested in education reform. She is looking at how Wisconsin can have a more educated and enlightened workforce. There is a major labor shortage in the state that is keeping the economy down. We need to have people understand where the labor opportunities are and grow the economy through skilled labor. We need partners to show us the way to go. This is the time for her to meet with people and forward their initiatives.

Companies can't find welders. She was asked if the state has a strategy for that. Senator Darling said they are talking to the technical schools and trying to align the real world of work with education. The technical schools are coming out with a strong initiative to actually ask what are the skills needed and to rescope their curriculum and their courses to meet that demand. They will be getting incentives for outcome-based results (welders and other professionals that are needed in the workforce).

Mayor Brooks asked what is the continued rationale for state-imposed levy limits. Senator Darling understands this is a big issue for communities and school boards. However, she hears all the time that most people don't want their property tax raised. That impacts elections. Referendums are the way to address this in terms of local control. She cited Brown Deer as an example. The community explained to the public what the money would be used for and garnered enough support to get the referendum passed. She knows that is not easy.

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Mayor Ehley agreed that no one wants to have their property taxes raised and that referendums are tough to pass. Her concern is that cities continually have to cut services. If we don't have strong local municipalities, our state isn't going to be open for business. Businesses aren't going to want to move where cities aren't strong. It takes a two-way communication. Her impression is what has been communicated to voters is there is a lot of government waste. If it is coming from the state that there is waste, it is hard for municipalities to counter that. She asked that this point of view be taken into consideration. Senator Darling suggested bringing in state officials to start a dialogue for topics that are challenging. We are at the point where you can't have everything and keep spending the same.

Senator Darling said you are going to hear that there is a structural deficit in Wisconsin. That is not true. We have to balance our budget. The Legislative Fiscal Bureau does not include increased revenues or decreased expenditures. We have over a \$400 million balance. If we don't have that at the end of this year, we will go into another decision-making mode to adjust expenditures accordingly. Right now, the Governor is asking all agencies to forward their budgets for the next biennium.

County Executive Abele asked about the limits on utility rates and being part of that discussion. Senator Darling replied that the place to take that is the Legislature and the Public Service Commission. There are huge concerns about that and how it will impact every business and household.

President Hermes said continually the state ties our hands to do our job at the local level and not have that ability to be flexible. It doesn't matter which party is in power. It is our job to make it all work. President Hermes said he has been through 17 budgets, and each budget cycle, he cuts. He has cut to the bone, and there is no more to cut. What he looks for and hopes for is leadership from the state Legislature in reforming a 100 year-old system of shared revenue and the levy limits, along with the Governor's expenditure restraint program. All three of those programs could be overhauled into an entirely new system that works to benefit the communities. We all try to create economic development. It is a very hard thing to perpetuate when we are being strangled on both sides of the budget. If we had the ability to create the jobs that we are able to create, the Governor would have exceeded his 250,000 job creation goal.

Senator Darling accepts the challenge. She asked President Hermes to put a group together. She will put a group of bipartisan legislators from the Finance

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Committee together and see what can be done before the next budget. Senator Darling asked for concrete examples from states where something actually works, because everyone agrees with the goal.

14th District County Supervisor Jason Haas represents the south side of Milwaukee County. He said that Mitchell International Airport is within his district. The number of flights are up at the airport, and a new baggage claim area is under construction. Supervisor Haas is the Chair of the County Board's Intergovernmental Relations Committee. He spoke about collaborating with Milwaukee Alderman Terry Witkowski on Copernicus Park to add floodwater management systems to help absorb floodwater that comes into that park. Many neighbors have sewage backing up into their basements. The City may have to raise two houses in order to do so.

Supervisor Haas said he helped work with St. Francis Brewery and the County Parks Department to get a beer garden at Humboldt Park. The beer garden is adding value to the park and is a great community gathering spot. Vandalism is down dramatically because of more people being in the park. It also generates income for the County. The other two beer gardens are at Estabrook and Hoyt parks. He is looking forward to helping get more beer gardens in more parks. They are examples of the County finding clever, new ways to do things.

He is the Vice Chair of the Finance Committee and is a member of the Parks, Energy & Environment Committee. This month, he will join the Economic Development Committee.

#### **IV. Introduction of Jerry Deschane, Executive Director of the League of Wisconsin Municipalities, and presentation on upcoming plans for the LWM (Mayor Devine)**

Mayor Devine said Dan Thompson retired as the Executive Director of the League of Wisconsin Municipalities. He wanted to introduce Mr. Deschane to the members, so that he could speak about his vision of the direction and outlook for the LWM as it relates to our relationship with the state of Wisconsin.

Mr. Deschane is the fifth Executive Director of the LWM in 116 years. He spoke about the League being more engaged with its own membership. We want you to invite legislators to your local meetings to build up a dialogue. He recommends becoming a member of the League's lobbying board and of the Rapid Action

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team. That is where local officials are asked to send emails and make phone calls. Hundreds are needed. There are 4,000 elected officials in Wisconsin. If 1/10 of the local elected officials in the state are engaged, it would be 4 to 1 against all of the 132 state legislators. The world is run by the people that show up and speak up.

Mr. Deschane is having extensive meetings with members, Legislative leaders, business and labor interest groups talking about state transportation budgets, levy limits and alternatives. The LWM is proposing an alternative in their proposal to the Legislature.

The Board of Directors just went through a strategic planning process. The plan says that we will get into high technology. The plan specifically calls for buying an 800 number and looking at the worldwide web. They want to rebrand the league and rearrange the upcoming annual conference in October. Mr. Deschane knows that the members rely on the league's institutional knowledge. It is critical, as they get 4,000 calls a year to the legal hotline. He hopes to attend ICC meetings more often, not because he has something to speak about, but because he wants to hear what is going on.

President Hermes said he hopes that we do take up Senator Darling and her challenge to put together a group. He thinks that group should be led by the League of Municipalities to assemble a new piece of legislation that will help free up our budgets. Mr. Deschane said we have got to change that dialogue. We cannot keep going to the legislature saying we can't cut any more, we need more money. The league has been saying that for about a decade. He suggests providing a constructive alternative.

President Krueger said he has been informed that the League has made some inquiries as to what the governor candidates think about municipalities. From what he was told, no one has replied. Mr. Deschane confirmed that Governor Walker will address the entire membership at the annual conference on Friday morning. That will be his opportunity to state his case about local control. He expects a call from Mary Burke's campaign.

### **V. Presentation from Atty. James Korom regarding Payroll Deductions for Charitable Organizations**

Atty. Korom was contacted by Mr. Lubarda in his role as a liaison for United Way contributions. They found over the last two years that United Way

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contributions are down through municipal, state and local government employee groups. Part of the reason may be a misunderstanding about the law. Given the fact that the United Way campaign is starting up, we thought this venue would be a good opportunity to educate all of you where that miscommunication came from and why it is no longer valid.

Back in 2011, a federal judge in Madison was asked to determine whether Act 10 was valid in a variety of ways. One had to do with using payroll deductions for police and fire employees, while denying that same access to the payroll system for non-police and fire employees. That judge ended up striking down Act 10 on those grounds. After that happened, many municipalities decided that no payroll deductions would be allowed for anything. This decision was overturned by the 7<sup>th</sup> Circuit Court of Appeals, and nobody revisited this issue about whether payroll deductions can be used for charitable organizations without creating legal problems. Atty. Korom passed out a legal update. He is comfortable in saying that you can support the United Way and other charitable organizations through payroll deductions. If you stopped that practice, you are free to start it up again. Act 10 does not stand in your way.

Mr. Lubenda thanked Atty. Korom for taking the time to explain this to the ICC. Atty. Korom said the legal update on this matter can be found on Von Briesen & Roper's website.

### **VI. Discussion and decision regarding the expansion and improvements to the regional Milwaukee Area Public Safety Consortium Fiber Network (MAPSC) (Mayor Devine)**

Mayor Devine introduced West Allis' IT Director, Jim Jandovitz, who will do a presentation regarding a county-wide network project.

Mr. Jandovitz said this project will save all cities and villages in the County money. Right now, there is a Milwaukee Area Public Safety Network. This was created in 2006 to share services by several Police Departments. The West Allis servers were used, and it would connect to them by utilizing T1 lines. MAPSC would use West Allis' ProPhoenix Public Safety software. It also gives them 24-hour support. West Allis has to keep its servers running no matter what, so there was no extra cost or manpower needed to keep it going to the other agencies.

Mr. Jandovitz would like to expand this network to all communities in the area to further share services. He also spoke about a shared internet. Mr. Jandovitz said

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this is not just his idea, and mentioned the IT staff from the other MAPSC communities. Mr. Jandovitz said he has made presentations to other groups such as IT staff at Milwaukee County and other cities and villages, and south side of Milwaukee County Police Chiefs. All are one board because they can see the advantages. He is bringing this matter before the ICC because they want to reach everybody and take it to the next step.

In the beginning, they focused on the Police Department. Every city has T1 lines all going to the same place, the Milwaukee County Library System. With the high speed network, we get rid of the T1 lines and we run it through the high speed network. It is networking all those cities together. That is called a CAN (Community Area Network). The area near Eau Claire is another CAN.

Mr. Jandovitz spoke about other things that are done on this network to save money. He cited other examples of shared services with Wauwatosa, e-mail with West Milwaukee, and using Hales Corner's atomic clock. If we had a high speed network, we could share applications such as GIS.

Since this information was just distributed, Mayor Devine asked if this matter should be studied further and brought back in a few months. Mayor Hohenfeldt agreed. Mayor Scaffidi clarified that for purposes of the ICC, Mr. Jandovitz is looking for general approval on the concept. Mr. Jandovitz said every city will be contacted as to how they can be connected to the network. He wants permission to talk to someone in each city.

It was moved by Mayor Devine, seconded by Mayor Neitzke, to proceed with the concept of expansion and improvement to the Regional Milwaukee Area Public Safety Consortium Fiber Network (MAPSC), which will be reviewed in a few months. The motion carried unanimously.

### **VII. Review the contracts of shared services between Milwaukee County and the municipalities (recurring item)**

1. Discussion and decision regarding approval of form of contract to be used between municipalities and Milwaukee County concerning the County radio system (Ms. Panella)

Mayor Neitzke distributed copies of the agreement and a cover memo dated August 26, 2014 from Ms. Panella. Mayor Scaffidi asked everyone to respect other people's opinions on this matter and to be as brief as possible.

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## **INTERGOVERNMENTAL COOPERATION COUNCIL OF MILWAUKEE COUNTY**

*c/o Mayor Stephen Scaffidi, City of Oak Creek, 8640 S. Howell Avenue, Oak Creek, WI 53154*

Mr. Don Tyler thanked the ICC for their consideration and approval of the IGA agreement. The agreement allows Milwaukee County to begin working with those municipalities that are interested in engaging with Milwaukee County regarding the public safety radio system. It is not approving the radio system for all of the municipalities. This agreement is a culmination of work that began about a year ago through the ICC. The ICC formed a subcommittee that was chaired by Mr. Henken to sort out what avenue should be taken in Milwaukee County relative to WISCOM. Milwaukee County moved forward with its platform, recognizing the importance to continue to engage with WISCOM for interoperability and finding good connection points along the way. It was recognized that several municipalities were going to move forward with WISCOM. A Governance Committee is in place that is represented by the Police Chiefs, Fire Chiefs, elected officials and administration.

Ms. Panella spoke and said she has worked with many Police, Fire, administrators and elected officials to draft this agreement. The IGA signed from 1995-2000 was used as the baseline agreement. They incorporated the requirements of the digital system, along with a cost-sharing model, which is both operating costs and capital improvements for the future, along with a governance structure. She listed the members of the temporary Governance Board. Included in this document is language where municipalities who join the radio system can take advantage of the County's Motorola contract. This agreement fairly represents the municipalities, Milwaukee County, and works towards sustainability of the radio system.

Mayor Scaffidi asked if there is a designated fire and police representative who will speak on this issue if anyone has questions.

Mayor Brooks said he is satisfied with this agreement, as it is a good compromise measure that builds a sustainable radio system. Costs are shared, and he encourages support of the IGA.

Mayor Neitzke asked about severability within the agreement itself. He described the background of why this agreement is being reviewed by the ICC. Under Act 14, contracts in excess of \$300,000 need to come before the ICC. The history of that was an agreement between the City and County of Milwaukee. That was the flow of County assets, from among all the municipalities, flowing to one municipality, and should the ICC have input into those decisions. This agreement is just the opposite. This is where the municipalities, some but not all, are being

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asked to pay user fees to Milwaukee County for the County's radio system. They are also being asked to fund future County capital expenditures.

Looking at this language, he doesn't know if it makes sense for the ICC to endorse the contract in its entirety. He spoke about Sections 3 and 4, which concern the County's desire to collect user fees and capital equipment costs from the municipalities. This is the first example that he can think of where municipalities are funding the future capital equipment requirements of another governmental agency. He is not sure it is a good idea to make a statement with regard to what the fees are and what the capital equipment portion of the agreement is.

Mayor Neitzke said Greenfield is, and Oak Creek will be, a WISCOM subscriber. He would support a motion to approve the agreement with the exclusions of Sections 3 and 4 that relate to fees, some of which have not yet been defined and are clearly negotiable between each municipality and Milwaukee County. He can't support an agreement that includes municipal user fees and money to fund a capital equipment account for Milwaukee County.

Mayor Scaffidi asked Ms. Panella and Mr. Tyler if this agreement with an all or nothing proposal to the ICC. Mr. Tyler replied yes. It is important to note that this agreement is consistent across all municipalities that are ready to move forward.

County Executive Abele said all budgets come from the same place. Every city and village is part of Milwaukee County. Nobody is trying to make a giant cash grab. This is just about sustainability. The goal is working together and efficiency. Nobody is trying to impose.

Mayor Scaffidi asked what do you say to leaders of municipalities faced with ever tightening budgets and levy limits that are now being asked to support user fees. Although there is a Governance Board, we have very little control over that board. User fee numbers will probably never go down. How do we reconcile that with our taxpayers and budget each year when costs just go up? We have no ability to change the revenue side.

County Executive Abele said in order for the County to pick up any more of that, there is a very limited range of things that can be done. That means either cutting services we are already providing to you elsewhere, or raising taxes. He doesn't want to do either. He notes that when Mayor Neitzke makes the point that

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WISCOM right now has no user fee, Abele believes it doesn't seem unlikely that there won't be WISCOM fees in the future.

Mayor Neitzke stated there are two sides to the radio system. There is the capital equipment expenditure, building the system which Milwaukee County has paid for. Then there is the operations side. In Greenfield, WISCOM is currently operating off our radio tower. We ventured into contract negotiations with Milwaukee County, so the County could place a transmitter for its system essentially on the same tower as WISCOM. It makes no sense to him to have redundant capital expenditures and systems.

He noted WISCOM is funded by 4-5 pools of state money from across agency lines. Milwaukee County's operational costs are funded by the levy and soon-to-be user fees. Three of the biggest communities in Milwaukee County are not going to be part of the County radio system. (Ms. Gonda then stated that when Milwaukee's life span is over with Open Sky, they will look at all the options.) Mayor Neitzke explained that if communities do not join with Milwaukee County, their sustainability model drops with less people paying for those operational costs. His point is there is no sustainability. The state's system seems more sustainable. Mayor Neitzke doesn't understand why we are spending this money. Since the County has already made the investment to build the radio system, he suggested they negotiate with WISCOM to turn operational management over to them.

Ms. Panella said WISCOM was looked at as an option for Milwaukee County and its users, and the decision was made to go off on their own. Mr. Rob Henken facilitated meetings last year. She addressed Mayor Scaffidi's question about user fees going up over years. Fees have been capped at \$14 for the life of this agreement. The only escalator is a cost-of-living that is tied to the CPI. She spoke about capital improvements. Even though the County built the system, she said this is not Milwaukee County's radio system, but a radio system for the community. The capital improvement fund is for future costs, such as a new functionality, and in 15-20 years to eventually replace the radio system. Capital improvement fees start in 2018 and are capped at \$5. The Governance Board will make recommendations to reduce or increase that fee to the ICC.

President West pointed out that this agreement comes to the ICC as a result of numerous interactions between the County and municipalities. Since this matter is on the agenda for approval, he hopes that this can be acted on today.

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Mr. Lubberda said Franklin's Common Council looked at this agreement and approved a motion supporting the concept of it, but did not support the fee or governance structure. The way it is set up didn't seem to make sense to them, or be consistent with conversation coming out of Milwaukee County. When he looks at the language of the Governance Board, the document itself didn't indicate the membership clearly. They spoke about an interim board being set up, but staff members really control that. There is very little ability for the communities to control the Governance Board. He then spoke about the County paying out capital costs. In future years, we have paid for that. The Governance Board is already set up, and we no longer have control over our money. Most importantly, the agreement limits the ability to address those capital fees to unanimous consent of that board. So all the County would need forever is one member on that board and the municipalities will pay for all the capital costs. That is a concern. Mayor Olson asked that although Franklin supports the concept, the City of Franklin would make a motion to support the intergovernmental agreement and recommend approval subject to revisions of the following sections, as necessary, to eliminate the inherent inequities that exist in the current format. The fee structure, if any, needs to provide further detail as to the method and basis of calculation, needs to establish cost control and oversight mechanisms, and needs to be reevaluated or restructured in a greater context that both the County's role and joint public safety services and the County's taxing authority. The governance section needs to be reevaluated or restructured to ensure balance and fairness, particularly in relation to the final fee structure, if any.

Ms. Panella said Milwaukee County agrees that the governance structure should be laid out. Their interim Governance Board has been focusing on the IGA. Between now and the end of September, prior to execution, they will be finalizing the governance structure. This will be added as an attachment and an amendment to this document, paragraph 8, so that the governance structure is locked in for the life of this agreement.

Mayor Ehley spoke about her involvement in this matter a year ago, and attended one of the presentations that Ms. Panella offered to all the people involved. There has been much discussion with her staff. None of us like having initial costs, as we are all under tough budgets. This is an entire proposal at this point. She believes that the governance issue should be an addendum to the agreement, if passed today. Mayor Ehley had concerns about the capital fund if in ten years the technology we are using today changes. That instance is in the agreement. She is

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very impressed with the governance group that came to a compromise. User fees give communities more skin in the game and input. Wauwatosa feels this is equitable and fair.

Mr. Luberda passed around a Franklin idea of an amendment to the resolution. He said it is a motion that they propose. The effect would be is that it confirms we are in the right direction of a cooperative agreement, but there are still issues to be resolved. Those revised sections would need to come back. Mayor Scaffidi clarified that there are two questions: Is the County prepared to accept that proposed amendment? What are the thoughts of the ICC voting membership on the amendment?

Mayor Devine said the County is approaching the ICC as a body. Some members seem to be comfortable, and some aren't. If this passes 9-7, are you including everybody with the hand-out that you referenced earlier, or are you going to start working with the 9 and not the 7. Mr. Tyler said the County would work with those municipalities that raised their hand by June 30<sup>th</sup>. The County would continue to work with the 7, if they are interested. At some point, they will have to move forward with those that are ready to sign. Mr. Tyler prefers not to add the proposed amendment to the agreement at this time. There is an expectation that any agreement signed with a municipality would include a governance amendment. That was suggested last Friday.

President Siegel asked if the ICC is ready for a motion. Mayor Scaffidi said he doesn't know if we have had all our questions or comments from the members yet. The membership will tell him that.

Mayor Hohenfeldt said a motion is in order. President Siegel said this isn't a perfect system, but it is a decent agreement. If ok, she would like to make a motion to approve the IGA, as submitted. Mayor Scaffidi said that before he lets her make that motion, he asked her if she would allow Mayor Hohenfeldt to speak. President Siegel asked can she convey a motion and a second. Mr. Luberda called for a Point of Order. He knows that the Chairman never called for a second, nor did he say it died for lack of a second. Mr. Luberda stated he actually made a motion. The City of Franklin is offering a motion of support. Some members disagreed and said Mr. Luberda did not make a motion. Mr. Luberda said when he read it, he absolutely read it as a motion. The Chairman did not call for a second, but he offered it as a motion. Mr. Luberda referenced the paper which he read the motion from. Mayor Scaffidi asked if anyone would

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like to second the representative from Franklin's motion that he allegedly made. Hearing none, the motion fails for lack of a second.

It was moved by President Siegel, seconded by Jennifer Gonda, to approve the IGA, as submitted.

Under discussion, Mayor Hohenfeldt thanked everyone involved in this process. He appreciated the opportunity to purchase radios at a cost savings. The problem that Cudahy taxpayers have is they have already paid 20 cents on the dollar for services that have been decreased from Milwaukee County. He suggests taking this proposal back to your Village Boards and Common Councils, as this contract contains a 700% increase over a four-year period. On Cudahy's fire side alone, he goes from \$1,000 on the radios in the first year to \$7,000 in the fourth year.

President West said he supports the motion, but communities do have alternatives. They do have WISCOM. He encourages support of the motion to approve this contract.

Mayor Neitzke questioned why the City of Milwaukee seconded the motion if they are never going to enter into this agreement. Ms. Gonda said she seconded the motion because she believes the action the ICC needs to take is to move this matter forward to the County Board. Each individual community can assess the IGA and whether it is relevant for them. The City of Milwaukee will do that when the timing becomes appropriate. For right now, Milwaukee County needs to move forward with an IGA. What is being asked of the ICC is to allow them to move forward.

Mr. Lubberda said Milwaukee County is giving an all or nothing proposal. From Franklin's perspective, they haven't resolved the issues satisfactorily yet. Franklin is one of the bigger users, so the fees are important. The fee structure built in isn't consistent with what you would think of for a public utility. It was all based on user radio, no connection fee. Public utilities break those fees apart. Basic public finance background wasn't built into this. It is all built on the user fee side.

Mr. Lubberda then spoke about the governance structure and "the unanimous provision", which in effect is an inability to get out of the capital costs. He doesn't know how this contract can be considered for approval with that fundamental provision. He suggested it be laid over to the next meeting to

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resolve the governance structure. Mr. Luberdá cited an example of the Kenosha County dispatch center agreement. That system that has worked well for over 30 years and has true joint leadership. This Governance Board does not have that. *Mr. Luberdá said a motion would be in order to lay it over until the next meeting.*

Mayor Scaffidi said a motion is on the floor made by President Siegel, seconded by City of Milwaukee representative Jennifer Gonda. Is there any further discussion on that motion?

President Hayward asked for Mr. Henken's opinion. Mr. Henken said he has not been part of discussions for the past year. He did say that a year ago, our assessment was that the optimal circumstance would be to have one radio system for Milwaukee County and its municipalities. Milwaukee County felt the WISCOM option was not right for them from a technological perspective. The understanding going forward was the County would do its best to come up with a reasonable proposal that municipalities either opt in or opt out of. From what he is hearing today, that is what you have in front of you. He can't give his judgment on the merits of the IGA.

Mayor Neitzke said that Mr. Luberdá's motion to table would supersede the motion on the floor if there is a second. *Mayor Scaffidi asked if there was a second to Mr. Luberdá's motion. Mayor Neitzke seconded the motion.* Discussion took place on parliamentary procedure. Mayor Neitzke said Mayor Scaffidi would call on the question to table, which is essentially postpone to the next meeting, when it can be removed from the table with a motion. Mayor Brooks asked why people not being part of the system are making decisions. Mayor Scaffidi replied because they have voting opportunities on the ICC. Everyone has an equal vote. Mayor Brooks stated that seems unfair. Mr. Pederson, Bayside, said one of the items in the IGA is everybody can get the best terms possible. If someone negotiates a better deal than what exists, the agreement says that everyone else will get that same deal. We would all share in that success.

Mayor Scaffidi said there is a motion to lay over by Mr. Luberdá, seconded by Mayor Neitzke, to table approval of the IGA agreement until the next meeting. Cudahy Mayor Hoehenfeldt, Franklin representative Mr. Luberdá, Greendale President Hermes, Greenfield Mayor Neitzke, Hales Corners President Reusch, River Hills President Brunner, West Allis Mayor Devine, and West Milwaukee President Hayward voted yes.

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Bayside President Dickman, Brown Deer President Krueger, Fox Point President West, Glendale Interim Mayor Shaw, Milwaukee representative Gonda, Milwaukee County Executive Abele, Shorewood President Johnson, South Milwaukee Mayor Brooks, Wauwatosa Mayor Ehley and Whitefish Bay President Siegel voted no. The motion failed by a vote of 11 noes and 8 ayes.

It was moved by Ald. Neitzke, seconded by President Hermes, to amend the motion to eliminate Sections 3 and 4 of the IGA agreement relating to fees and capital costs, with the rest of the agreement to remain in place. On a roll call vote, Bayside President Dickman, Brown Deer President Krueger, Fox Point President West, Glendale Interim Mayor Shaw, Milwaukee representative Gonda, County Executive Abele, Oak Creek Mayor Scaffidi, Shorewood President Johnson, South Milwaukee Mayor Brooks, Wauwatosa Mayor Ehley and Whitefish Bay President Siegel voted no. Cudahy Mayor Hoehenfeldt, Franklin representative Mr. Lubarda, Greendale President Hermes, Greenfield Mayor Neitzke, Hales Corners President Reusch, River Hills President Brunner, West Allis Mayor Devine, and West Milwaukee President Hayward voted yes. The motion failed by a vote of 11 noes and 8 ayes.

Mayor Scaffidi said President Siegel's motion is on the floor.

It was moved by President Siegel, seconded by Jennifer Gonda, to approve the IGA agreement, as submitted.

Under discussion, Mayor Devine made a motion to amend the IGA agreement by removing Section 3, Usage Fees, but keeping Section 4 Capital Improvement Fund, in an effort to compromise. Mayor Scaffidi asked for a second to the motion. President Hermes seconded the motion. There was discussion motion clarification. Mayor Scaffidi asked for a second. Mayor Neitzke said he would second the motion for purposes of a vote.

It was moved by Mayor Devine, seconded by President Hermes, to amend the IGA agreement by removing Section 3 only, Usage Fees, but keep in Section 4 involving the capital improvement fund. On a roll call vote, Bayside President Dickman, Brown Deer President Krueger, Fox Point President West, Glendale Interim Mayor Shaw, Milwaukee representative Gonda, County Executive Abele, Shorewood President Johnson, South

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Milwaukee Mayor Brooks, Wauwatosa Mayor Ehley and Whitefish Bay President Siegel voted no. Cudahy Mayor Hoehenfeldt, Franklin representative Mr. Luberta, Greendale President Hermes, Greenfield Mayor Neitzke, Hales Corners President Reusch, Oak Creek Mayor Scaffidi, River Hills President Brunner, West Allis Mayor Devine and West Milwaukee President Hayward voted yes. The motion failed by a vote of 10 noes and 9 ayes.

Mayor Scaffidi said President Siegel's original motion to approve the agreement, as presented, is still on the floor.

It was moved by President Siegel, seconded by Milwaukee Representative Gonda, to approve the IGA agreement, as presented. On a roll call vote, Bayside President Dickman, Brown Deer President Krueger, Fox Point President West, Glendale Interim Mayor Shaw, Milwaukee representative Gonda, County Executive Abele, Oak Creek Mayor Scaffidi, Shorewood President Johnson, South Milwaukee Mayor Brooks, Wauwatosa Mayor Ehley and Whitefish Bay President Siegel voted no. Cudahy Mayor Hoehenfeldt, Franklin representative Mr. Luberta, Greendale President Hermes, Greenfield Mayor Neitzke, Hales Corners President Reusch, River Hills President Brunner, West Allis Mayor Devine, and West Milwaukee President Hayward voted yes. The motion passed by a vote of 11 ayes and 8 noes.

### **VIII. Updates from the members of the ICC regarding subjects listed below:**

1. **MADACC** (President Hayward). The report was unintelligible.
2. **MCFLS** – No report.
3. **EMS** (President Brunner, Mayor Scaffidi). Mayor Scaffidi said Mayor Hohenfeldt will take his place on the EMS Committee.
4. **Lakefront Development Commission** (President Krueger, Mayor Scaffidi). No report.
5. **Community Development Block Grant (CDBG)** – Ms. Jean Wolfgang, Milwaukee County Housing Manager, reminded members that the Economic and Community Development Committee of the County Board will meet at 8:30 AM in Room 203-R of the Courthouse on September 12<sup>th</sup>. That is your opportunity to make presentations to the County Board regarding your projects. Also, if you have staff turnover in your communities, please have them call for a block grant training session. She announced that the department received two awards at the recent Block Grant Conference.

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**6. MCAMLIS (vacant)**

**7. Legislative - No report.**

**8. Roundtable Discussion**

Mr. Lubenda said that Franklin has had a number of closed session meetings on economic development issues. Keep your eye on Franklin in the upcoming months.

County Executive Abele updated members on the cost of programming new voting machines. The County will pick up 70% of the capital cost in their budget for your machines.

Mayor Ehley distributed information on 10 Days in Tosa, which is similar to Milwaukee's downtown dining week.

Mayor Hohenfeldt spoke about Cudahy's hiring of a new Public Health Officer on October 6<sup>th</sup>. He would like to thank Mayor Neitzke and Health Director Darren Rausch for Greenfield's help since February during this transition.

**IX. Items for Future Meetings**

No items were suggested.

**X. Schedule Future Meeting**

The next meeting will be held on October 13<sup>th</sup> in Brown Deer.

**XI. Adjournment**

It was moved by President West, seconded by Interim Mayor Shaw, to adjourn the ICC meeting of September 8, 2014 at approximately 3:30 p.m. The motion carried unanimously.

*Respectfully submitted by Mayor Neitzke.*

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Address **4355 W Bradley Rd**  
**Brown Deer, WI 53223**

Lois and Tom Dolan Community Center



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